

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4332 of 2010

Date: 17.03.2015

Between:

Basavani Bhogeswara Rao, s/o.Suryanarayana,
Aged about 57 years, Residing at Mallampudi
Village, Hamlet of Chorampudi, Bantumilli
Mandal, Krishna District.

.. Petitioner

AND

The Tahsildar, Bantumilli Village, Bantumilli
Mandal, Krishna District.

.. Respondent

The Court made the following:

HON'BLE SRI JUSTICE P.NAVEEN RAO
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ORDER:

This writ petition is instituted alleging that the respondent authorities are interfering with the peaceful possession and enjoyment of the land to an extent of Ac.1.72 cents in R.S.No.429 of Chorampudi Revenue Village in spite of orders issued by the Government in G.O.Ms.No.441 Revenue (ASSN.II) Department, dated 23.07.2002 and it is subject matter of Writ Petition No.20818 of 2002.

2. Learned counsel for the petitioner contends that under the guise of order of *status quo* granted, respondent authorities are trying to dispossess the petitioner from the above extent of land, causing irreparable hardship and suffering and when the issue is pending consideration of this Court, respondent authorities ought not to have interfered with the peaceful possession and enjoyment of the property.

3. Counter-affidavit is filed on behalf of the respondent. The specific allegations of the petitioner are denied. It is contended that taking advantage of the political influence enjoyed by the petitioner, he tried to dig fish tank in R.S.Nos.1102/1, 2 and 1095 of Chorampudi Village without having any right or title over the land and without obtaining appropriate permissions and, therefore, he was prevented from doing his illegal digging of fish tank. It is contended that the irrigation bodhi is running through the above lands which supplies water to the neighbouring ryots for irrigating their lands and if the petitioner is allowed to dig fish tank, water course will be disturbed and the neighbouring ryots will sustain heavy loss. It is further contended

that petitioner's wife owns land in Munipeda village of Kruthivenu Mandal and fish tank is being dug in an extent of Ac.4.94 cents. This Munipeda village is adjacent to Mallapudi village, hamlet of Chorampudi Village. Petitioner is trying to extend his fish tank from Munipeda village to the adjacent lands in Chorampudi village.

4. No other material is brought on record to show that the petitioner is in possession and enjoyment of the land in R.S.No.429 of Chorampudi village and that the respondent authorities are interfering with the possession and enjoyment of the land. On the contrary, according to the assertion of the respondent, the adjacent land of the family members of the petitioner in Munipeda village is land in R.S.Nos.1102/1, 2 and 1095, which are Government lands and not land in R.S.No.429. The said assertion is not denied. Petitioner has not shown any material in support of his contentions. I, therefore, see no merit in the contention urged by the petitioner.

5. The writ petition is accordingly dismissed. There shall be no order as to costs. Miscellaneous petitions if any pending in the writ petition shall stand closed.

JUSTICE P.NAVEEN RAO

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